

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 8-17 and 19-27 remain pending. Claims 29 and 30 have been added to secure an appropriate scope of protection to which applicants are believed entitled. Claims 8 and 19 have been amended.

The Examiner's withdrawal of the finality of the previous office action is noted.

The rejection of claims 8-14, 16-17, 19-22, 24-25, and 27 under 35 USC 103 (a) as being unpatentable over Hamirani (U.S. Patent 5,673,174) in view of Johnson (U.S. Patent 3,803,670) is hereby traversed.

Amended claim 8 is believed to be patentably distinguishable over the applied references as neither reference teaches or suggests color panel installation on opposite side panels of a computer case as claimed in claim 8. The Examiner baldly asserts that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the computer case of the prior art to incorporate multiple cover panels depending upon the personal preference or needs of the user as multiple cover panels is mere duplication of the essential working parts of the device. First, as described below, the cover panel 32 of Hamirani is not the color panel claimed in claim 8. Second, the Hamirani reference describes only a single cover panel used in conjunction with the system unit cover and, in fact, describes the cover as being large enough to enable the user access to both CPU and memory within the system unit. As these two elements are the only user-serviceable elements described in Hamirani, there is no motivation identified for duplicating the cover as asserted by the Examiner. Hamirani, at column

4, lines 11-28, describes in detail the relocation of components on the motherboard of the system unit in order to accommodate access via cover panels 32. Thus, mere duplication of parts (cover panel 32) was unsatisfactory for Hamirani and should not be imputed to involve only routine skill in the art. For any of the foregoing reasons, the rejection of claim 8 should be withdrawn.

Further, Hamirani fails to disclose a color panel for positioning on a side panel of a computer case. The Examiner erroneously asserts that Hamirani teaches a cover panel (32) for attachment to the side panel of the computer case. Present Office Action at page 2, section 3. However, the asserted cover panel is not a color panel as claimed in claim 8. In reality, cover panel 32 of Hamirani is an extension of the system unit cover 30 as without cover panel 32 the interior of the system unit would be exposed. Tellingly, Hamirani refers to the cover panel 32 as a socket access cover and a door thereby allowing access to the interior of the system unit. Hamirani at column 2, line 26. Based on the foregoing, cover panel 32 is an element which completes the enclosing functionality of the system cover. Put another way, the system unit cover is incomplete without cover panel 32. For at least this reason, the rejection of claim 8 should be withdrawn.

Based on the foregoing reasons, amended claim 8 is patentably distinguishable over the applied references and the rejection should be withdrawn.

Claims 9, 10, 29, and 30 depend from claim 8, include further important limitations, and are patentable over the applied references for at least the reasons advanced above with respect to claim 8. The rejection of claims 9, 10, 29, and 30 should be withdrawn.

Independent claim 11 is believed to be patentably distinguishable over the applied references as neither reference teaches or suggests a pair of cover panels for attachment to opposite side panels of a computer case. The Examiner baldly asserts that it would have been

obvious to one having ordinary skill in the art at the time the invention was made to modify the computer case of the prior art to incorporate multiple cover panels depending upon the personal preference or needs of the user as multiple cover panels is mere duplication of the essential working parts of the device. First, as described below, the cover panel 32 of Hamirani is not the cover panel claimed in claim 11 notwithstanding the similarity of word choice. Second, the Hamirani reference describes only a single cover panel used in conjunction with the system unit cover and in fact describes the cover as being large enough to enable the user access to both CPU and memory within the system unit. As these two elements are the only user-serviceable elements described in Hamirani, there's no motivation identified for duplicating the cover as asserted by the Examiner. Hamirani, at column 4, lines 11-28, describes in detail the relocation of components on the motherboard of the system unit in order to accommodate access via cover panel 32. Thus, mere duplication of parts (cover panel 32) was unsatisfactory for Hamirani and should not be imputed to involve only routine skill in the art. For any of the foregoing reasons, the rejection of claim 11 should be withdrawn.

Further, Hamirani fails to disclose a cover panel for positioning on a side panel of a computer case. The Examiner erroneously asserts that Hamirani teaches a cover panel (32) for attachment to the side panel of the computer case. Present Office Action at page 2, section 3. However, the asserted cover panel is not a cover panel as claimed in claim 11. In reality, cover panel 32 of Hamirani is an extension of the system unit cover 30 as without cover panel 32 the interior of the system unit would be exposed. Tellingly, Hamirani refers to the cover panel 32 as a socket access cover and a door thereby allowing access to the interior of the system unit. Based on the foregoing, cover panel 32 is an element which completes the enclosing functionality of the system cover. Put another way, the system unit cover is incomplete without

cover panel 32. Thus, Hamirani fails to include a pair of cover panels as claimed in claim 11.

For at least this reason, the rejection of claim 11 should be withdrawn.

Based on the foregoing reasons, claim 11 is patentably distinguishable over the applied references and the rejection should be withdrawn.

Claims 12-14, and 16-17 depend from claim 11, include further important limitations, and are patentable over the applied references for at least the reasons advanced above with respect to claim 11. The rejection of claims 12-14, and 16-17 should be withdrawn.

Amended claim 19 is believed to be patentably distinguishable over the applied references as neither reference teaches or suggests a cover panel as recited in claim 19. Amended claim 19 recites a cover panel overlying a majority of a side panel of a computer case and such a configuration is not found in either of the applied combination of references. For at least this reason, the rejection of claim 19 should be withdrawn.

Further, the arguments advanced above with respect to claim 11 regarding the failure of Hamirani to disclose a cover panel for positioning on a side panel of a computer case are incorporated herein with respect to the claim 19 cover panel for attachment to the side panel. That is, cover panel 32 of Hamirani is, in reality, a completing portion of the system unit cover 30 and is not a cover panel as claimed in claim 19. For at least this reason, the rejection of claim 19 should be withdrawn.

Based on any of the foregoing reasons, claim 19 is patentably distinguishable over the applied references and the rejection should be withdrawn.

Claims 20-22, 24, 25, and 27 depend from claim 19, include further important limitations, and are patentable over the applied references for at least the reasons advanced above with respect to claim 19. The rejection of claims 20-22, 24, 25, and 27 should be withdrawn.

The rejection of claims 11-17 and 19-27 under 35 USC 103 (a) as being unpatentable over Paterson et al. (U.S. Patent 5,547,272) in view of Johnson (U.S. Patent 3,803,670) is hereby traversed.

There are at least 2 reasons why the Examiner's applied combination of references fails to render obvious the subject matter of claim 11. First, Paterson fails to teach, suggest, or describe a pair of cover panels each having a corresponding plurality of holes. In contrast, Paterson describes a face panel having hooks 22 and alignment pins 30 for attaching the face panel to a front side of a cabinet. The holes in the Paterson face panel relate to the louvers 26 for providing inlets into the cabinet and not to attaching the face panel to the cabinet.

Second and related to the first difference above, Paterson fails to teach, suggest, or describe a plurality of elastomeric feet insertable through the above-described holes in the cover panel and through corresponding holes in the side panel of the computer case. Contrary to the Examiner's assertion, Paterson fails to disclose "a plurality of feet . . . each insertable through one of the holes in the cover panel for retaining the cover panel on the side panel of the computer case." Notwithstanding this assertion regarding Paterson, the Examiner later admits at page 5, first full paragraph, that Paterson fails to disclose "the feet used to attach the cover panel to the side panel . . . and does not disclose holes in the cover panel." The Examiner continues and asserts that "Paterson shows the feet as being integrally formed with the cover panel." However, the claim language requires "cover panels having . . . holes" and "feet insertable through one of said holes in said cover panel." Paterson fails to disclose the cover panel holes or the feet insertable through the holes. Johnson fails to cure the deficiencies of Paterson for reasons described below.

The Examiner has failed to identify any motivation or suggestion in either reference teaching, suggesting, or describing the asserted combination. The Examiner appears to have improperly applied hindsight reasoning based on the present invention to make the asserted combination. The Examiner's argument does not identify why the combination would be obvious to a person of ordinary skill in the art or why a person of ordinary skill would be motivated to make the combination.

Nowhere in either reference is there a motivation or suggestion for the asserted combination. The Examiner asserts, without support, that it would be obvious to a person of ordinary skill in the art at the time of the invention to make the asserted combination in order to conserve time during assembly and save money related to labor costs associated with the assembly. Neither of these assertions can stand. First, applicants fail to understand how assembly time is conserved and money is saved by adding an additional element to the assembly process where none previously existed. Second, and more basic, the Examiner has put forth no evidence in either reference or by way of affidavit supporting these assertions. Without support, the Examiner is engaging in speculation regarding the time and money required for any particular approach. The Examiner has identified no support in either reference for these assertions. The Examiner has failed to meet the standard for obviousness.

The fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish prima facie obviousness. A statement that combinations of the prior art to meet the claimed invention would have been well within the ordinary skill of the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. See MPEP 2143.01 quoting *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

In accordance with MPEP §2143.01 and Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999), the Examiner is requested to identify a teaching, suggestion, or motivation in either reference or to provide an affidavit of facts within the personal knowledge of the Examiner per MPEP §2144.03 providing a motivation or suggestion to one of ordinary skill in the art to make the argued combination. The Examiner has neither identified any teaching in Paterson or Johnson motivating or suggesting the asserted combination to a person of ordinary skill in the art nor provided an affidavit because there is no teaching to be found. For at least this reason, the rejection should be withdrawn.

“When an obviousness determination is based on multiple prior art references, there must be a showing of some ‘teaching, suggestion, or reason’ to combine the references.” Winner International Royalty Corp. v. Wang, 53 USPQ2d 1580, 1586 (Fed. Cir. 2000). The Examiner has failed to make such a showing supporting the applied combination of references and therefore the applied combination of references is improper. The Examiner is in error for any of the above reasons and has not made out a prima facie case of obviousness, and the rejection of claim 11 should be withdrawn.

Based on any of the foregoing reasons, claim 11 is patentably distinguishable over the applied references and the rejection should be withdrawn.

Claims 12-17 depend from claim 11, include further important limitations, and are patentable over the applied combination of references for at least the reasons advanced above with respect to claim 11 and the rejection should be withdrawn.

Claim 19 is patentable over the applied combination of references as Paterson, with or without Johnson, fails to teach, suggest, or describe a cover panel having a plurality of holes as described above with respect to claim 11. The arguments with respect to the lack of a cover

panel having a plurality of holes presented above with respect to claim 11 apply equally to claim 19 and the arguments are incorporated herein with respect to claim 19. For at least this reason, the rejection of claim 19 should be withdrawn.

Further, Paterson, with or without Johnson, fails to teach, suggest, or describe a plurality of elastomeric feet insertable through the above-described holes in the cover panel and through corresponding holes in the side panel of the computer case as described above with respect to claim 11. The arguments with respect to the lack of a plurality of elastomeric feet presented above with respect to claim 11 apply equally to claim 19 and the arguments are incorporated herein with respect to claim 19. For at least this reason, the rejection of claim 19 should be withdrawn.

Based on any of the foregoing reasons, claim 19 is patentably distinguishable over the applied references and the rejection should be withdrawn.

Claims 20-27 depend from claim 19, include further important limitations, and are patentable over the applied references for at least the reasons advanced above with respect to claim 19 and the rejection should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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